

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
INDIANAPOLIS

OFFICE MEMORANDUM

Date: November 26, 2008

To: Water Pollution Control Board Members

From: Lawrence Wu
Rules Development Section, Chief

Subject: Water Pollution Control Board Meeting

After consultation with the Chair, the December 10, 2008, Board meeting is being cancelled. The Environmental Impact Statement rulemaking (#08-210), scheduled for Preliminary Adoption on that date has been postponed.

Several comments were received to the Second Notice published October 22, 2008 in the Indiana Register. This rulemaking is also planned to be presented to the Air Pollution Control Board and Solid Waste Management Board for Preliminary Adoption. It was determined that postponing Preliminary Adoption to a later date would be prudent to: address the written comments received for all three second notices (one for each board); ensure consistency among the rule language being taken to each board; and, schedule additional workgroup meetings, if necessary, prior to asking any of the boards to preliminarily adopt the draft rules.

A new hearing notice for these rules will be posted in the Change in Notice of Public Hearing section of the Indiana Register when the Preliminary Adoption hearing is rescheduled. These rules were originally scheduled to expire on January 1, 2008, however, the rules received a one-year emergency extension from the governor in December, 2007. It was hoped that this rulemaking could be completed within that one-year timeframe.

When it became apparent that the rulemaking amendments would take more time, IDEM submitted these rules (327 IAC 11) for Readoption (#08-766) under the “sunset” process set forth in IC 13-14-9.5. This process allows for a Notice of Readoption to be posted in the Indiana Register explaining that the rules are set to expire. If no comments are received asking that the rules be adopted through the regular IC 13-14-9 process, a final Notice of Readoption is posted in the Indiana Register that states that the rules have been readopted and are effective for an additional seven (7) years. IDEM received no comments requesting a separate rulemaking process, therefore, a Notice of Readoption was submitted to the Indiana Register last Wednesday and will be published shortly.

This readoption merely preserves the existing rules in the administrative code to allow for completion of the current rulemaking that is amending the rules.

The following is tentatively scheduled for the next WPCB meeting, February 11, 2009:

Preliminary Adoption, Development of Amendments to Rules at 327 IAC 11
Concerning State Environmental Policy (#08-210)

Presentation on the #08-198 rulemaking: Development of Amendments and New
Rules Concerning Drinking Water Standards, Ground Water Rule, Lead and
Copper Rule Short-Term Regulatory Revisions, Stage 2 Disinfectants and
Disinfection Byproducts Rule, and Long-Term 2 Enhanced Surface Water
Treatment Rule

The February 11, 2009 WPCB meeting will begin at 1:30 p.m. E.S.T., at:

Indiana Government Center South
Conference Center Room 32
Indianapolis, Indiana

As a reminder, information concerning WPCB meetings can be found at the IDEM web
site: <http://www.in.gov/idem/4087.htm#boards>